

EXHIBIT B

COHEN GREEN

FALS# 2020-6-14-2

July 6, 2020

Mayor Bill de Blasio
City Hall
New York, New York 10007
bdeblasio@cityhall.nyc.gov

By Email & US Mail

Re: The City of New York's Duty to Preserve Evidence Related to the Ongoing Protests

Dear Mayor de Blasio:

This firm represents protestors who were arrested during the ongoing protests following the murder of George Floyd on May 25, 2020. We write to reaffirm the City of New York and its agencies' broad duty to systematically collect and preserve physical and electronic documents related to the protests in anticipation of significant civil rights litigation.

Clearly, the City of New York knows that litigation related to these protests is inevitable, given the violent attacks by members of the New York City Police Department ("NYPD") shown in the media, and the hundreds of civil suits related to the arrests following the Republican National Convention protests in 2004 and the Occupy Wall Street protests in 2011. But to avoid any confusion going forward, this letter outlines the documents that must be preserved, and will be sought in civil litigation related to the excessive force used and false arrests made by the NYPD since May 25, 2020.

Further, it must be noted that documents related to all arrests and police actions against protestors is relevant in all cases because the claims that will be alleged include negligent training under state tort law and a pattern and practice of unconstitutional policing under *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978). Thus, all the evidence outlined below will be relevant in all individual cases.

In addition, these documents may be requested through the Freedom of Information Law and should also be preserved in anticipation of those requests, as they are documents to which the public is entitled broad access.

Finally, this letter puts the City on notice of anticipated litigation, but in no way limits the City's obligation to preserve documents. To the extent there are relevant documents that do not fall within the categories enumerated below, they must still be preserved and the City has an affirmative obligation to both locate and preserve this material.

Definitions

The term "communication" used herein means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

The term “document” used herein is synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. Consequently, our demand that you preserve evidence or materials thus extends to all documents, electronically stored information or other tangible things in any form whatsoever, including, without limitation, writings, authorizations, inspections, notes, drafts, plans, drawings, charts, photographs, sound recordings, video recordings, images, emails, instant messages, voicemails, text messages, computer files, flash drives, hard drives, and other data or data compilations stored in any medium from which information can be obtained that are in the City of New York’s or the NYPD’s possession, custody, or control, or in the possession, custody, or control of others under its control or authority, including its agents, members, and servants. This includes any records of, and records concerning, email, phone calls, and text messages sent to or from all of their personal email addresses, cell phones, iPhones, blackberries, and other PDA devices, memo book entries or other notations concerning the incident.

The term “protest” used herein means any gathering and demonstration, of any kind, starting May 25, 2020 and going forward, related to the Black Lives Matter movement, the murders of George Floyd and Breonna Taylor, and violence and discriminatory policing by the NYPD, including but not limited to protests near or in the areas identified on Exhibit A.

The term “protester” used herein means any person attending or in the vicinity of a protests as defined above.

Document Categories

I. Audio and Video

Audio and video related to the protests must be preserved. This includes but is not limited to: NYPD Argus cameras; Body Worn Cameras; dashboard or other cameras attached to police vehicles; surveillance footage collected from any source; recordings of all 311 and 911 calls; recordings of the NYPD police radio broadcasts, including Citywide-1, Citywide-2, the Special Operations Division, and all Radio Zones; and recordings of the New York City Fire Department EMS Dispatches.

A list of New York City Department of Transportation traffic cameras and NYPD Argus security cameras that are likely to have captured relevant footage is attached as Exhibit B. For each date footage from 6pm the prior day until 6am the next day should be preserved, to ensure no part of the relevant footage is deleted. For example, for May 31, 2020, footage must be preserved from 6pm on May 30, 2020 until 6am on June 1, 2020.

II. NYPD Forms and Documentation

Forms and documentation generated by the NYPD must be preserved. This includes but is not limited to:

- a. All Activity Logs (PD112-145) and memo book entries for each and every NYPD officer present at or involved with the protests.
- b. All Disorder Control Unit Mobile Reserve Event Action Plans.
- c. All Patrol Borough Manhattan South (PBMS) Detail Requests.
- d. All Memoranda to the Chief of Patrol.
- e. All Mass Arrest Reports.
- f. All After Action Reports.
- g. All Command Log entries, Interrupted Patrol Logs, Operations Logs, and Roll Calls (PD406-144) documenting any arrests relating to the Protests, including but not limited to the arrest of protestors.
- h. All Telephone Dispatch Logs (PD112-143) related to the protests.
- i. All Case Development / Detective Case Assignment Logs (PD306-140) related to the protests.
- j. All arrest reports relating to the protests and the arrest of protestors, including but not limited to all On-Line Booking Arrest Worksheets (PD244-149), all Arrest Report Supplement(s) (PD244-157), and all Online Booking System Arrest Report Supplements (PD244-1516), as well as any drafts.
- k. All Civilian Complaint Reports (PD313-154), including any handwritten complaints and drafts, and all Civil Complaint Report Statistical Summary Sheets (PD313-154S), related to the protests.
- l. All Arrest Documentation Checklists (PD240-010) for any arrests related to the protests, including but not limited to the arrest of protestors.
- m. All Arrest Investigation Reports (PD244-1511) related to the protests, including but not limited to reports for protestors, including any drafts.
- n. All witness statements/affidavits regarding the Protests.
- o. All statements, depositions, and Supporting Depositions (PD244-060) related to the protests.
- p. All Complaint Reports (PD313-152) related to the prosecution of protestors or otherwise related to the protests, including drafts.
- q. All handwritten and typed Complaint Report Worksheets (PD313-152A) and Supplements (PD313-152G and PD313-152H) related to the prosecution of protestors or otherwise related to the protests, including drafts.
- r. All Complaint Follow-Up Informational reports and Second Sheets (PD313-081A and PD313-081B) related to the protests, including drafts.
- s. Any Omniform Complaint Revision reports related to the protests, including drafts.
- t. All Investigation Cards (PD373-163) related to the protests, including but not limited to any cards for protestors.
- u. All Contact Cards issued or attempted to be issued (PD142-011) in relation to the protests.
- v. All Stop Reports (PD383-151) related to the protests, including but not limited to reports for Protestors, including drafts.

- w. All Unusual Occurrence Reports (PD370-152) related to the protests, including drafts.
- x. All Aided Reports (PD304-152) and Aided Report Worksheets (PD304-152B) related to the Protests, including drafts.
- y. All Emergency Service Reports (PD304-151) related to the protests, including drafts.
- z. All Threat, Resistance or Injury (T.R.I.) Incident Worksheets (PD370-154) related to the Protests, as well as any drafts.
- aa. All T.R.I. Incident - Investigating Supervisor's Assessment Reports (PD370-154A) related to the Protests.
- bb. All Commanding Officer's Monthly Recap of T.R.I. Incident Reports (PD370-154B) related to the protests.
- cc. All Line of Duty Injury Reports (PD429-154) related to the protests, including but not limited to any reports related to the Individual Officers, as well as any drafts.
- dd. All Accident Report - City Involved reports (PD301-155) relating to the protests.
- ee. All Witness Statement - Injury to Member of the Department forms (PD429-065) related to the Protests.
- ff. All SPRINT reports related to the protests.
- gg. All documents regarding any searches related to the protests, including Consent to Search Forms (PD541-030).
- hh. All General Message Forms (PD115-122) related to the protests, including drafts.
- ii. All Medical Treatment of Prisoner reports (PD244-150) related to the protests, including but not limited to reports for protestors, as well as any drafts.
- jj. All property vouchers, Property Clerk Invoices (PD521-141), and Property Clerk Invoice Worksheets (PD521-141A) related to the protests, including but not limited to invoices related to property taken from protestors.
- kk. All Property Log entries (PD521-147) related to the protests.
- ll. All Notice to Person From Whom Property Has Been Removed By The Police Department forms (PD521-124) related to the protests.
- mm. All Pre-Arrest Notification Forms (PD244-153) related to the protests, including but not limited to any forms for protestors.
- nn. All Prisoner Pedigree Cards (PD244- 092) related to the protests, including but not limited to any cards for protestors.
- oo. All Prisoner Transport Dispatch forms (PD171-132) related to the protests, including but not limited to any forms for protestors.
- pp. The Prisoner Holding Pen Roster (PD244-1410) entries related to the protests, including but not limited to entries for protestors.
- qq. All Certification of Charges Against Prisoner forms (PD244-062) related to the protests, including but not limited to any forms for protestors.
- rr. All Arrestment Cards related to the protests (MISC 4661), including any cards for protestors.
- ss. All District Attorney Data Sheets (MISC 4664) related to the protests.

- tt. All Non-Lethal Restraining Device/Rescue Equipment Reports (PD320-150) related to the protests.
- uu. All Taser/Stun Device Reports (PD304-150) related to the protests.
- vv. All Desk Appearance Tickets (PD260-121) related to the protests, including but not limited to any tickets for protestors.
- ww. All Desk Appearance Ticket Investigation reports (PD360-081) related to the Protests.
- xx. All DAT Arrest Packages (PD260-123) related to the protests, including but not limited to any packages for protestors.
- yy. All Desk Appearance Ticket Indexes (PD260-122) related to the protests.
- zz. All Desk Appearance Ticket Investigation reports (PD360-091) related to the protests.
- aaa. All Desk Appearance Ticket Reports (PD260-126) related to the protests.
- bbb. All Desk Appearance Ticket Transmittal to Borough Court Section reports (PD260-122A) related to the protests.
- ccc. All Desk Appearance Express Reports (PD260-180) related to the protests.
- ddd. All Field Reports (PD313-1511) related to the protests near public housing.
- eee. All Police Accident Reports (MV104AN) related to the protests.
- fff. All Lineup Reports (PD373-141) related to the protests, including but not limited to any lineups involving Protestors.
- ggg. All Expense Reports (PD102-061) related to protestors receiving food.
- hhh. All Bail Receipt forms (PD209-011) related to the protests, including but not limited to and forms for protestors.
- iii. All Request for Records and/or Information Regarding CCRB Case forms (PD149-164) related to the protests.
- jjj. All Request for Laboratory Examination Reports (PD521-168) related to the protests.
- kkk. All Police Laboratory Analysis Reports (PD521-151) related to the protests.
- lll. All Property Transfer Reports (PD521-1412) and Property Transfer Report Acceptance Documents (PD521-172) related to the protests.
- mmm. All Evidence Collection/Tracking Forms (MISC 4237) related to the protests.
- nnn. All Closed Circuit Television Protests Reports (PD313-1514) related to the protests near public housing.
- ooo. All Closed Circuit Television Video/Photo Receipts (PD313-170) related to the protests near public housing.
- ppp. All documents relating to any warrants connected to the protests, including warrant applications or affidavits, Search Warrant Plans (PD374-150 and PD374150A), and Warrant Investigation Reports (PD374-152).
- qqq. All documents regarding any confidential informants who had any role in, or communicated any information regarding, the protests, including any Confidential Informant Database inquiries (PD378-161), any Confidential Informant information or payments (PD378-083), a Subject Checklist (PD378-145), and a Confidential Informant Reactivation Requests (PD378-161).

III. Tactical Plans

All documents relating to the NYPD's tactical plans or strategies to police the protests and manage crowds must be preserved, including any documentation related to the plans themselves, communications attaching or relating to the plans, and any training provided to NYPD officers related to those plans, as well as documents concerning the discharge of pepper spray, mace, or other eye or skin irritants or other chemical substances, documents concerning the LRAD sound devices, and documents concerning - documents concerning the use of other weapons sometimes referred to as "less than lethal weapons."

IV. NYPD Intelligence Gathering

All documents related to the NYPD's intelligence gathering efforts related to the protests must be preserved. This information includes electronically stored information ("ESI") copied, seized, or otherwise obtained via any source from the electronic devices of any demonstrator or arrestee; documents related to intelligence sought or obtained concerning the demonstrators or the demonstrations; Global Positioning System ("GPS") data concerning the police units that responded to or were otherwise involved with the policing of the protests; Aerial surveillance documents and data, including video footage and thermal imaging taken from helicopters, airplanes, drones, or other aerial machines; thermal imaging documents and data stemming from the protest policing efforts;

V. Email

All email related to the protests must be preserved, including any emails to or from Mayor William DeBlasio, Commissioner Dermot Shea, First Deputy Commissioner Benjamin Tucker, Chief of Department Terence A. Monahan, and any other emails connected with any member of the service involved with the policing of the protests in any way.

VI. Civilian Complaint Review Board

All documents related to any complaint made to the Civilian Complaint Review Board regarding the protests or any NYPD officer who was present at the protests, as well as any documents relating to any investigation of those complaints must be preserved.

VII. NYPD Disciplinary Records

All disciplinary records related to any NYPD officer who was present at the protests must be preserved.

VIII. District Attorney Files

All files relating to the arrest or prosecution of any protestor must be preserved. The is the City's responsibility given that the five district attorneys' offices operate as City actors when performing administrative tasks, including collecting and producing documents.

IX. NYPD iPhones

All data on the iPhones issued to NYPD officers who were present at the protests must be preserved, including any data on the NYPD's custom iPhone application, as well as email, photographs, and video.

X. Coordination with Outside Agencies

All documents related to the NYPD's coordination with any other government agencies related to the protests or protestors, including the Federal Bureau of Investigations, U.S. Immigration and Customs Enforcement, the New York State Troopers, and the National Guard.

Preservation Obligations

You must immediately suspend any destruction policies, including but not limited to the deletion of any of the documents enumerated above.

Please also note that electronically stored information typically contains relevant discoverable information beyond what is apparent to the viewer, including, for example, embedded data and metadata. Therefore, it is necessary for the City to preserve all electronically stored information in its original electronic form, even where paper copies might exist. Moreover, electronically stored information can be easily modified, deleted, or corrupted, and the City of New York and the NYPD are required to take all reasonable steps to ensure that all relevant, discoverable electronically stored information is preserved. Because modification, deletion, or corruption may result from automatic functions within the routine operation of an electronic information system, or from routing upgrades or recycling of computer-related hardware or software, this preservation requirement includes, but is not limited to, the obligation to suspend any such operations, upgrades, or recycling features or protocols (including any document or data destruction policies) pending resolution of any claims brought against the potential defendants in this matter.

Should you object to this preservation request in any manner, you need to notify us immediately, so that, if necessary, we may seek judicial intervention to secure relevant material. "Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents." *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003). Failure to preserve this material may result in court-ordered sanctions.

Please note that in the event that there is privileged material which may be covered by this preservation demand, privileged materials must be identified, preserved, and listed on an appropriate privilege log maintained so that issues about privilege can be decided, if necessary, by a court.

Please confirm in writing that the City of New York and its agencies will be preserving the documents enumerated above as well as any other relevant material.

Sincerely,

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/s/

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EXHIBIT A			
DATE	LOCATION	BOROUGH	LOCATION DETAILS
5/28/2020	UNION SQUARE	Manhattan	Area near SE corner of 15th street; in front of New School building on 5th Ave; 13th and 4th Ave; 14th and Broadway; 14th and 5th Ave; 17th and Park Ave; NW Union Square East and 14th Street; SW 14th Street and Union Square East
5/28/2020	TRIBECA	Manhattan	Area near 206 West Street; Chambers and West; West St and Chambers; West St and Albany St; C/O West and Albany St; Cedar and Broadway
5/28/2020	LOWER MANHATTAN	Manhattan	Area near intersection of Canal St. and Church St.

5/29/2020	BARCLAYS CENTER	Kings	Area near Atlantic; 5th Ave and Flatbush Ave; Dean and Flatbush; in front of Mr. Wish; 620 Atlantic Ave; Ashland Ave and Lafayette; Atlantic and Flatbush; Flatbush and Pacific St; Atlantic and Fort Green Place; Flatbush and Atlantic; Flatbush and Pacific; Flatbush and Pacific; Flatbush and Atlantic; 5th Ave and Flatbush Ave; Flatbush Ave and 5th Ave; 166 Flatbush Ave; opp 170 Flatbush Ave; Pacific and 4th; St Marks & 5th Ave
5/29/2020	FORT GREEN & CLINTON HILL	Kings	Area near the intersection of DeKalb Avenue and Classon Avenue; area near Fort Green Park
5/29/2020	UNION SQUARE	Manhattan	Area near Union Square Park
5/29/2020	BROOKLYN MUSEUM	Kings	Area near the intersection of Eastern Pkwy & Washington Ave, the Brooklyn Museum, and the intersection of Washington and Eastern Parkway
5/29/2020	SIXTH AVE	Manhattan	Area near 6th Ave and 26th St; 35th St and 6th Ave; 37th St and 6th Ave; 35th and 6th Ave
5/29/2020	CENTRE STREET	Manhattan	Area near Centre & White St; Centre & Worth St; Centre & White St; 138 Centre Street
5/30/2020	UNION SQUARE	Manhattan	13th and Broadway; 14th and 5th; 14th and Union Square; 5th and 14th St; 13th and Broadway; 14th and Union Sq East; 14th and 5th; 14th and 3rd; 14th and Broadway; 14th and Union Sq East; 14th and 5th; 16th and 5th; 14th and 5th; 14th and 3rd; opp 22 W 14th St; Union Square; 14th and 5th; W 14th and 5th; 241 E 14th St; 13th Street between University and Broadway
5/30/2020	SEVENTH AVE	Manhattan	W 24th and 7th Ave; 27th and 7th; 41st and 7th; 42nd and 7th; 47th and 7th; 47th and 7th; 42nd and 7th; 37th and 7th; 26th and 7th; 47th and 6th Ave; 7th Ave between 44 and 45th St;

5/30/2020	FDR DRIVE	Manhattan	55 FDR and 104th St; SB FDR and 104th St; FDR and Gouverneur Slip E; FDR and E 104th St; FDR and 99th St; Gouverneur Slip E and South St; 9th and FDR; 104th and FDR
5/30/2020	MIDTOWN	Manhattan	41st and Broadway; 45th and Madison Ave; 45th and Broadway; 57th and 5th Ave; 5th Ave and West 58th Street; 45th and Broadway; 44th and Broadway; 727 5th Ave;
5/30/2020	BOWERY	Manhattan	1st St and Bowery; 302 Bowery; 7th St and Bowery; 95th and Bowery; Bowery and Canal; Bowery and E Houston St; 1st and Bowery; 106 Bowery; Hester and Bowery;
5/30/2020	BROOKLYN BRIDGE	Manhattan and Kings	Adams St and Bklyn Bridge; Adams St and Tillary St; Brooklyn Bridge; Tillary St and Brooklyn Bridge
5/30/2020	FIFTH AVE	Manhattan	Area near 125 5th Ave; and the intersection of 22nd Street and 5th Avenue.
5/30/2020	BARCLAYS	Kings	Area near the intersection of DeKalb Avenue and Flatbush Avenue.
5/30/2020	NOHO	Manhattan	Area near the intersection of 6th Street and Cooper Street
5/30/2020	UPPER WEST SIDE	Manhattan	Area near the intersection of 96th Street and the West Side Highway
5/30/2020	UPPER EAST SIDE	Manhattan	Area near the intersection of East 85th Street and Park Avenue
5/30/2020	THE MANHATTAN BRIDGE	Manhattan and Kings	Manhattan Bridge
5/30/2020	WILLIAMSBURG	Kings	Near the intersection of Bedford and Tilden.
5/30/2020	PROSPECT LEFFERTS GARDEN	Kings	Area near the intersection of Rogers Avenue and Lenox Road; area near the intersection of Bedford Avenue and Church Avenue; area near the intersection of Church Avenue and Nostrand Avenue; area near the intersection of Church Avenue and East 32nd Street; area near the intersection of Church Avenue and East 31st Street

5/31/2020	PROSPECT LEFFERTS GARDEN	Kings	Area near the intersection of Rogers Avenue and Lenox Road; area near the intersection of Bedford Avenue and Church Avenue; area near the intersection of Church Avenue and Nostrand Avenue; area near the intersection of Church Avenue and East 32nd Street; area near the intersection of Church Avenue and East 31st Street
5/31/2020	UNION SQUARE	Manhattan	Area near the intersection of 12th and Broadway, Manhattan;
5/31/2020	BARCLAYS CENTER	Kings	Area around Barclays Center; area near the intersection of Flatbush Avenue and Bergen Street
5/31/2020	LOWER MANHATTAN AND CHINATOWN	Manhattan	Area near the intersection of Lispenard Street and Church Street; area near the post office in Chinatown near the Manhattan Bridge
5/31/2020	THE MANHATTAN BRIDGE	Manhattan and Brooklyn	The area near the Manhattan Bridge including the area near the Brooklyn side exit.
5/31/2020	MIDTOWN	Manhattan	Area near the intersection of 41st Street and 6th Avenue; Bryant Park; area near the intersection of 41st Street and Madison Avenue; area near 33rd West 42nd Street
5/31/2020	KOREATOWN	Manhattan	Area near the Empire State Building and the intersection of 34th Street and 5th Avenue

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5/31/2020	MIDTOWN EAST	Manhattan	Area near the 17th Precinct
5/31/2020	CLINTON HILL	Kings	Area near Fulton Avenue between Washington Avenue and St. James Place
5/31/2020	LOWER EAST SIDE	Manhattan	
5/31/2020	SOHO	Manhattan	
5/31/2020	WEST VILLAGE	Manhattan	Area near the intersection of 14th Street and 7th Avenue
6/1/2020	SOHO	Manhattan	Area near the intersection of Spring Street and Wooster Street
6/1/2020	BARCLAYS	Kings	Area near Barclays Center; area near the intersection of 4th Avenue and Atlantic Ave, and Flatbush Avenue near Barclays Center
6/1/2020	UNION SQUARE	Manhattan	Area near Union Square Park; area near the intersection of 16th Street and 6th Avenue
6/1/2020	UPPER WEST SIDE	Manhattan	Area near the intersection of 72nd and Broadway and the intersection of 72nd and Columbus Avenue
6/1/2020	LOWER MANHATTAN	Manhattan	Area near Broadway between Broome Street and Spring Street; area near the intersection of Lafayette and Spring Street; area near the intersection of Mercer Street and Broome Street; Zara Broadway
6/1/2020	ASTOR PLACE	Manhattan	
6/1/2020	MIDTOWN	Manhattan	Area near 56th Street between 3rd Avenue and 9th Avenue, and 57th Street between 3rd Avenue and 9th Avenue; area near 380 Madison Avenue; area near the intersection of 52nd Street and Broadway; area near the intersection of 54th Street and 8th Avenue; area near 57th street between 6th and 7th Avenues

6/1/2020	BATTERY PARK	Manhattan	West Side Highway near the entrance to the Battery Park tunnel
6/1/2020	KOREATOWN	Manhattan	Area near 112 W 34th Street by the Foot Locker; area near the intersection of 34th Street and 5th Avenue; area near the intersection of 29th Street and Broadway
6/1/2020	BRYANT PARK	Manhattan	Area near the intersection of 40th Street and 7th Avenue; area near the intersection of 43rd Street and 8th Avenue; area near the intersection of 44th Street and 8th Avenue
6/1/2020	MURRAY HILL	Manhattan	Area near 571 3rd Avenue
6/2/2020	BARCLAYS	Kings	Area near 4th Avenue and Dean Street
6/2/2020	UNION SQUARE & ASTOR PLACE	Manhattan	13th and 5th; 14th and 5th; 14th and 5th; 15th and 6th; Bowery/St. Mark's-Astor Place; 20 E. 16th St.; Astor Pl./Broadway; E. 11th St./3rd Ave.; Opposite 65 Cooper Sq.
6/2/2020	UPPER EAST SIDE	Manhattan	Outside Zara in Midtown - thinking 42nd/5th Ave; 66th St./Park Ave.; 69th St./5th Ave.; 79th St./5th Ave.; 92nd St./5th Ave; area near corner of 76 th Street and Fifth Avenue; area near the intersection of 79 th Street and Fifth Avenue.
6/2/2020	UPPER WEST SIDE	Manhattan	Upper West Side - in front of multiple shops on 72nd and Broadway; near the Papyrus on Columbus Ave.

6/2/2020	HELL'S KITCHEN/ MIDTOWN/CHELSEA	Manhattan	110 W. 37th St.; 112 W. 25th St.; 225 W 34th St.; 52nd St./8th Ave.; f/o 230 W 27th St.; W 25th St./6th Ave.; W 30th St./8th Ave.; 498 8th Ave.; 275 7th Avenue
6/2/2020	LOWER MANHATTAN	Manhattan	149 Mercer St.; 530 Broadway; Broadway/Grand St.; Broome St./Lafayette St.; Centre St./Grand St.; F/O 125 Canal St; Houston St./Lafayette St.; Manhattan Bridge; Stanton St./Eldridge St.; Prince St./Thompson St.; Park Row/Broadway
6/2/2020	UPPER MANHATTAN	Manhattan	150th St./St. Nicholas Pl.
6/2/2020	BATTERY PARK & TRIBECA	Manhattan	20 West St.; f/o 20 West St.; f/o 50 West St.; Morris St.; Morris St./West St.; Northbound West Side Hwy, West St./Battery Pl.; West Side Hwy/Rector; West St./Battery Pl.; West St./E Battery Pl.; West St./Morris St.; Westside Hwy/Rector; Northbound West Side Hwy/Murray St.; West Side Hwy/Liberty St
6/2/2020	FLATIRON DISTRICT	Manhattan	f/o 36 E. 23rd St.
6/3/2020	WEST SIDE HIGHWAY		West side highway
6/3/2020	MIDTOWN SOUTH		215 W 28th St
6/3/2020	MIDTOWN EAST	Manhattan	50th St./3rd Ave.; 50th St./Lexington; 51st St./3rd Ave.; 54th St./3rd Ave.; 829 3rd Ave; 850 3rd Ave; E 50th St./3rd Ave.; E 51st St./2nd Ave; E 54th St./3rd Ave; area near the intersection of 54 th Street going between Third Avenue and Lexington Avenue.
6/3/2020	CENTRAL PARK SOUTH		Across 128 Central Park South
6/3/2020	DOWNTOWN BROOKLYN	Kings	Cadman Plaza/Tillary Street; Cadman Plz/Johnson St.; Court St./Joralemon St.; Fulton St./Jay St.; Montague St./Court St.; Cadman Plaza West between Pierrepont and Montague; area near the corner of Cadman Placa and Clarke
6/3/2020	LOWER MANHATTAN		E 10th St./Broadway; E 116 Ave / Union Square; Prince Street

6/4/2020	MIDTOWN	Manhattan	59th and 5th; Madison & 66 th ; 5th Avenue and 61 st Street and the surrounding area
6/4/2020	CLINTON HILL	Kings	BK, right next to a subway stop; at or near Atlantic and Washington; Atlantic Ave & Washington; Fulton & Washington
6/4/2020	MOTT HAVEN	Bronx	Brook Ave and E 136th; E 136th and Brook Ave; near the corner of 136th Street and 3rd Avenue, near the corner of 138th Street and Brook Avenue.
6/4/2020	CENTRAL PARK WEST	Manhattan	108th and Central Park West; across from Central Park West
6/4/2020	WILLIAMSBURG	Kings	Whythe and Penn; Williamsburg
6/5/2020	CROWN HEIGHTS		Crown Heights - Nostrand and Montgomery
6/5/2020	UPPER EAST SIDE		Upper East Side - 81st and Park Avenue
6/6/2020	GRAND ARMY PLAZA		Grand Army Plaza
6/8/2020	BARCLAYS CENTER		Barclay's Center

EXHIBIT B				
DATE	LOCATION	BOROUGH	DOT CAMERAS	NYPD ARGUS CAMERAS
5/28/2020	UNION SQUARE	Manhattan	Union Sq @ 14th; E 14th St @ Irving Pl; Irving Pl @ 14th	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDON/Alds); Union Sq W (at American Eagle); 14th St @ Union Sq W;
5/28/2020	TRIBECA	Manhattan	West St and Chambers; West St @ Murray ; West St and Fulton	Northwest corner of Liberty St and Broadway; South side of Liberty St between Broadway and Trinity Pl (on top of lamppost)
5/28/2020	LOWER MANHATTAN	Manhattan	Canal St @ Broadway	N/A
5/29/2020	BARCLAYS CENTER	Kings	Flatbush Ave and 4 Ave; Flatbush Ave and Atlantic Ave; Atlantic Ave @ Fort Greene Pl	Ft Greene Pl @ Atlantic Ave (one outside target and one across from target) Flatbush Ave @ Atlantic Ave (One outside Victoria's Secret and one across from Victoria's Secret) Pacific St @ Flatbush Ave (One right out front of Barclay's main entrance)

5/29/2020	FORT GREEN & CLINTON HILL	Kings	C2-BQE-16- WB_at_Sands_St- Ex29A; Flatbush Ave @ Dekalb Ave; Flatbush Ave @ Willoughby; Flatbush Ave @ Fulton St	Dekalb and S Portland Ave on the park side
5/29/2020	UNION SQUARE	Manhattan	Union Sq @ 14th ; E 14th St @ Irving Pl; Irving Pl @ 14th	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDoN/Alds); Union Sq W (at American Eagle); 14th St @ Union Sq W
5/29/2020	BROOKLYN MUSEUM	Kings	N/A	N/A
5/29/2020	SIXTH AVE	Manhattan	6 Ave @ 34 St; 6 Ave @ 23 St	Northwest corner of 26th St and 6th Ave; 1001 6th Ave on black lamppost
5/29/2020	CENTRE STREET	Manhattan	Baxter St @ Canal Street; Worth St @ Centre St; Worth St @ Lafayette St	12 Lafayette St (west side of the street on a lamppost)
5/30/20	UNION SQUARE	Manhattan	Union Sq @ 14th ; E 14th St @ Irving Pl; Irving Pl @ 14th	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDoN/Alds); Union Sq W (at American Eagle); 14th St @ Union Sq W;

5/30/20	SEVENTH AVE	Manhattan	<p>Possible camera northeast corner of 23rd St and 7th Ave (in front of Chelsea Papaya); northeast corner of 41st St and 7th Ave (in front of Ruby Tuesday); northeast corner of 42nd St and 7th Ave (in front of Walgreens); 200 W 43rd St (next to Army Recruiting Office); 43rd St and Broadway (on traffic light); southwest corner of 47th St and 7th Ave (next to TKTS); northwest corner of 46th St and 7th Ave; southwest corner of 46th St and 7th Ave; southeast corner of 46th St and 7th Ave; northwest corner of 45th St and 7th Ave/Broadway; southeast corner of 45th St and 7th Ave/Broadway; northeast corner of 44th St and 7th Ave (in front of Gap); northeast corner of 47th St and 6th Ave (sign indicating presence of an NYPD security camera)</p> <p>7 Ave @ 23 St; 7 Ave @ 34 St; Broadway @ 42 St; Broadway @ 43 St; 7 Ave @ 43 St; Broadway @ 46 St; Broadway @ 46 St-Quad South; 7 Ave @ 49 St</p>
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5/30/20	FDR DRIVE	Manhattan	FDR Dr @ 111 ST; FDR Dr @ 96 Street; FDR @ Jackson St; Montgomery @ South St (not a typo, appears to be city error on listing); FDR @ E 6 St	N/A
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5/30/20	MIDTOWN	Manhattan	<p>Broadway @ 42 St; 7 Ave @ 43 St; Broadway @ 43 St; 8 Ave @ 42 St; Broadway @ 46 St; Broadway @ 46 St-Quad South; 5 Ave @ 57 St; Madison Ave @ 57 St; Madison Ave @ 46 - Manhattan; 46 St Bet 5 Ave & Madison Ave; 5 Ave @ 46 St; 5 Ave @ 59 St</p>	<p>Northeast corner of 41st St and 7th Ave (in front of Ruby Tuesday); northeast corner of 42nd St and 7th Ave (in front of Walgreens); 200 W 43rd St (next to Army Recruiting Office); 43rd St and Broadway (on traffic light); southwest corner of 47th St and 7th Ave (next to TKTS); northwest corner of 46th St and 7th Ave; southwest corner of 46th St and 7th Ave; southeast corner of 46th St and 7th Ave; northwest corner of 45th St and 7th Ave/Broadway; southeast corner of 45th St and 7th Ave/Broadway; northeast corner of 44th St and 7th Ave (in front of Gap); southeast corner 45th St and Madison Ave; southwest corner of 57th St and 5th Ave (in front of Bvlgari; southwest corner of 58th St and 5th Ave (in front of Bergdorf Goodman); possible camera southeast corner of 57th St and 5th Ave (next to Trump Tower)</p>
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5/30/20	BOWERY	Manhattan	Houston St @ Christies St; Bowery @ Cooper Sq & 4 St; Grand St @ Cooper Sq; MHB-16 Manhattan ColonN/Ade Entr (not a typo, error is in camera listing); MHB-16A Manh East of ColonN/Ade Entr; Canal St @ Chrystie St	Canal St at entrance to Manhattan Bridge (on divider)
5/30/20	BROOKLYN BRIDGE	Manhattan and Kings	Adams St @ Tillary St; Cadman Plz West @ Tillary St	N/A
5/30/20	FIFTH AVE	Manhattan	5 Ave @ 23 St	Southeast corner of 23rd St and 5th Ave
5/30/20	BARCLAYS	Kings	Flatbush Ave @ Dekalb Ave; Flatbush Ave @ Willoughby; C2-BQE-16-WB_at_Sands_St-Ex29A; Flatbush Ave @ Fulton St	N/A
5/30/20	NOHO	Manhattan	Bowery @ Cooper Sq & 4 St	N/A
5/30/20	UPPER WEST SIDE	Manhattan	Henry Hudson Pkwy @ 96 St; Henry Hudson Pkwy @ 99 St; Broadway @ 96 St	N/A
5/30/20	UPPER EAST SIDE	Manhattan	3 Ave @ E 86 St	N/A

5/30/20	THE MANHATTAN BRIDGE	Manhattan and Kings	MHB-16 Manhattan ColonN/Ade Entr (not a typo, error is in camera listing); MHB-16A Manh East of ColonN/Ade Entr; Canal St @ Chrystie St; Canal Street @ Allen Street; South Street @ Pike Street ; MHB-27 Bklyn N URDWY @ Twr; MHB-28 Bklyn LRDW @ Twr; MHB-29 Brklyn S URDWY @ Twr; MHB-31 Bklyn N URW @ Anch; MHB-32 Bklyn S URDW @ Anch; Sands St @ Brooklyn Bridge Ent;	Canal St at entrance to Manhattan Bridge (on divider); 2 on the bridge itself upper level (one east one west); 67 Flatbush Ave; 75 Manhattan Bridge lower roadway; 8671 Manhattan Bridge
5/30/20	PROSPECT LEFFERTS GARDEN	Kings	N/A	Northeast corner of Church Ave and Nostrand Ave
5/31/2020	UNION SQUARE	Manhattan	Union Sq @ 14th ; E 14th St @ Irving Pl; Irving Pl @ 14th	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDoN/Alds); Union Sq W (at American Eagle); 14th St @ Union Sq W;

5/31/2020	BARCLAYS CENTER	Kings	Flatbush Ave and 4 Ave; Flatbush Ave and Atlantic Ave; Atlantic Ave @ Fort Greene Pl ; Flatbush and 6 Ave	Ft Greene Pl @ Atlantic Ave (one outside target and one across from target) Flatbush Ave @ Atlantic Ave (One outside Victoria's Secret and one across from Victoria's Secret) Pacific St @ Flatbush Ave (One right out front of Barclay's main entrance)
5/31/2020	LOWER MANHATTAN AND CHIN/ATOWN	Manhattan	Canal St @ Broadway; Canal St @ Chrystie St; MHB- 16A Manh East of ColloN/Ade Entr; MHB-16 Manhattan ColonN/Ade Entr; Canal St @ Allen ST	385 Canal Street
5/31/2020	THE MANHATTAN BRIDGE	Manhattan and Brooklyn	MHB-31 Bklyn N URW @ Anch; MHB- 32 Bklyn S URW @ Anch; Sands St @ Brooklyn Bridge Ent	2 on the bridge itself upper level (one east one west); 67 Flatbush Ave; 75 Manhattan Bridge lower roadway; 8671 Manhattan Bridge

5/31/2020	MIDTOWN	Manhattan	6 Ave @ 42 St; Broadway @ 42 St; Madison Ave @ 42 St ; 5 Ave @ 42 St	West side of 6th Ave between 41st St and 4nd St (in front of Whole Foods); north edge of Bryant Park (south side of 42nd St near the west corner); north edge of Bryant Park (south side of 42nd St across from the Grace Building at 1114 Ave of the Americas); northwest corner of 4nd St and 5th Ave (in front of Zara); northeast corner of 42nd St and 5th Ave
5/31/2020	KOREATOWN	Manhattan	6 Ave @ 34 St; 5 Ave @ 34 St; MADISON @ 34 ST	Camera right outside 358 Fifth Ave; north side of 34th St near 6th Ave (across from Herald Towers)
5/31/2020	MIDTOWN EAST	Manhattan	N/A	Northwest corner of 51st St and Lexington Ave
5/31/2020	CLINTON HILL	Kings	N/A	Northwest corner of Washington Ave and Fulton St
5/31/2020	WEST VILLAGE	Manhattan	8 Ave @ 14 St	N/A

6/1/2020	BARCLAYS	Kings	Flatbush Ave and 4 Ave; Flatbush Ave and Atlantic Ave; Atlantic Ave @ Fort Greene Pl ; Flatbush Ave @ 6 Ave; Flatbush Ave @ Willoughby; Atlantic Ave @ Fort Greene Plac ('being serviced'); Flatbush Ave and Atlantic Ave; Flatbush Ave @ 6 Ave; Flatbush Ave @ Fulton St; C2-BQE-16-WB_at_Sands_St-Ex29A; Flatbush Ave @ DeKalb Ave; Flatbush Ave @ Willoughby; Flatbush Ave @ Concord St; Sands St @ Brooklyn Bridge Ent; MHB-32 Bklyn S URDW @ Anch; MHB-31 Bklyn N URW @ Anch	Ft Greene Pl @ Atlantic Ave (one outside target and one across from target) Flatbush Ave @ Atlantic Ave (One outside Victoria's Secret and one across from Victoria's Secret) Pacific St @ Flatbush Ave (One right out front of Barclay's main entrance)
6/1/2020	UNION SQUARE	Manhattan	Union Sq @ 14th ; E 14th St @ Irving Pl; Irving Pl @ 14th; 6 Ave @ 14 St	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDONALDs); Union Sq W (at American Eagle); 14th St @ Union Sq W;
6/1/2020	UPPER WEST SIDE	Manhattan	Amsterdam @ 72nd St	Amsterdam @ 72 St (outside Capital One)
6/1/2020	LOWER MANHATTAN	Manhattan	Broome St and Lafayette St; Grand St @ Broadway	Broadway and Vesey (on top of stoplight)
6/1/2020	ASTOR PLACE	Manhattan	E 8 St @ Lafayette St	N/A

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6/1/2020	MIDTOWN	Manhattan	<p>E 57 St @ QBB; 3 Ave @ 57 St ; Lexington Ave @ 57 St ; Park Ave @ 57 St; Madison @ 57 St; 5 Ave @ 57 St; 6 Ave @ 57 St; 7 Ave @ 57 St; 9 Ave @ 57 St; 12 Ave @ 57 St; 7 Ave @ 54 St; 47 St Bet. 5 Ave @ Madison Ave-Manhattan ; 5 Ave @ 46 St; 46 St Bet. 5 Ave & Madison Ave; Madison Ave @ 46 - Manhattan; 5 Ave @ 49 St; Madison Ave @ 49 St; Broadway @ 51 St; 50 St Btwn 8 Ave & Broadway; 7 Ave @ 54 St; 6 Ave @ 58 St</p>	<p>Southeast corner of 56th St and Madison Ave ; Northwest corner of 56th St and 5th Ave (on top of traffic light); Southwest corner of 56th St and 6th Ave (on top of traffic light); North side of 56th St between 6th and 7th Ave (on top of lamppost with stop sign); southeast corner of 57th St and Madison Ave (in front of Breitling); north side of 57th St between Madison and 5th (in front of Dior); southwest corner of 57th St and 5th Ave (in front of Bvlgari); southwest corner of 58th St and 5th Ave (in front of Bergdorf Goodman); southeast corner of 57th St and 5th Ave (next to Trump Tower); southeast corner of 47th St and Madison (not visible from all angles); northwest corner of 52nd St and Broadway</p>
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6/1/2020	BATTERY PARK	Manhattan	3rd Camera North Bound BPU; West st and Battery place; Manhattan BBT Entrance; West st and West Thames (Battery tunnel); Greenwich St @ Morris St	N/A
6/1/2020	KOREATOWN	Manhattan	6 Ave @ 34 St; 7 Ave @ 34 St; 8 Ave @ 34 St; 5 Ave @ 34 St; MADISON @ 34 ST	Camera right outside 358 Fifth Ave; north side of 34th St near 6th Ave (across from Herald Towers); south side of 34th St between 6th Ave and 7th (in front of Tissot); sign for an NYPD security camera on southwest corner of 29th St and Broadway but camera is not visible
6/1/2020	BRYANT PARK	Manhattan	Broadway @ 42 St; 8 Ave @ 42 St	East side of 8th Ave between 42nd St and 43rd St (in front of subway entrance)
6/1/2020	MURRAY HILL	Manhattan	N/A	N/A
6/2/2020	UNION SQUARE & ASTOR PLACE	Manhattan	Union Sq @ 14th ; E 14th St @ Irving Pl; Irving Pl @ 14th; E 8th St @ Lafayette St; 8 St @ Lafayette St; Bowery @ Cooper Sq & 4 St	14th @ Broadway (one outside Whole Foods and one across from Whole Foods); Union Sq E @ 16th St; E 17th (at Barnes and Noble); Union Sq W (at McDoN/Alds); Union Sq W (at American Eagle); 14th St @ Union Sq W; northwest corner of E 9 St and Ave A; across from 19 Union Sq (blurred from some angles)

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6/2/2020	UPPER EAST SIDE	Manhattan	5th Ave @ 42 St; 5 Ave @ 66 St	Southeast corner of 69th St and 5th Ave; West side of 78th St and 5th Ave (next to bus stop); 972 5th Ave (next to bus stop); west side of 5th near the corner of 91st St.
6/2/2020	UPPER WEST SIDE	Manhattan	Amsterdam @ 72nd St	Amsterdam @ 72 St
6/2/2020	HELL'S KITCHEN/ MIDTOWN/CH ELSEA	Manhattan	8 Ave @ 34 St; 8 Ave @ 49 St; 50 St Btwn 8 Ave & Broadway; 6 Ave @ 23 St	Possible camera at 1001 6th Ave on black lamppost (doesn't look like Argus camera but is NYPD branded); Southeast corner of 25th St and 6th Ave (in front of CVS); 34th St and 8th Ave, south side of the street closer to 8th Ave (next to bus stop); 888 8th Ave (next to bus stop); N/A (but much of 27th St can't be N/Avigated on Google streetview); 393 8th Ave (in front of Penn Video store); Northeast corner of 34th St and 8th Ave (outside Staples)

6/2/2020	LOWER MANHATTAN	Manhattan	Houston St @ Broadway; Grand St @ Broadway; Broome St and Lafayette St; Canal Street @ Chrystie Street; MHB- 16 Manhattan Colonade Entr; MHB-16A Manh East of Colonnade Entr; Houston St @ Christies St; West Broadway @ West Houston St; Broadway @ Vesey St; Church St @ Park Pl	N/A
6/2/2020	UPPER MANHATTAN	Manhattan	N/A	N/A
6/2/2020	BATTERY PARK & TRIBECA	Manhattan	West st and West Thames (Battery tunnel); Greenwich St @ Morris St; Manhattan BBT Entrance; West st and Battery place; West St @ Murray ; West st and Chambers; West st and Fulton	N/A
6/2/2020	FLATIRON DISTRICT	Manhattan	Park Ave @ 23 St; 5 Ave @ 23 St	N/A
6/3/2020	WEST SIDE HIGHWAY		N/A	N/A
6/3/2020	MIDTOWN SOUTH		N/A	N/A
6/3/2020	MIDTOWN EAST	Manhattan	3 Ave @ 49 St; 2 Ave @ 49 St	214 E 50th St (in front of building with glass front); 111 E 50th St (in front of Starbucks)
6/3/2020	CENTRAL PARK SOUTH		N/A	Across from 116 Central Park South

6/3/2020	DOWNTOWN BROOKLYN	Kings	Adams St @ Tillary St; Cadman Plz West @ Tillary St ; Boerum Pl @ Fulton St & Joralemon St	Corner of Court St and Joralemon St (in front of the Sephora); looks like a possible Argus camera at 469 Fulton St (in front of the T Mobile store)
6/3/2020	LOWER MANHATTAN	Kings	E 8 St @ Lafayette St; Union Sq @ 14th ; West Broadway @ West Houston St; Houston St @ Broadway	E 15th and Union Square E (outside Raymour & Flanigan); across from 19 Union Square W (from some angles the camera is blurred out with a very light waterstamp that appears to say "2019 Google")
6/4/2020	MIDTOWN	Manhattan	5th Ave @ 59 St; 5th Ave @ 66th St	In front of Grand Army Plaza; 59th @ 5th; Madison & 68th
6/4/2020	CLINTON HILL	Kings	N/A	Outside Bergen Bagels on Fulton & Washington
6/4/2020	MOTT HAVEN	Bronx	N/A	N/A
6/4/2020	CENTRAL PARK WEST	Manhattan	N/A	N/A
6/4/2020	WILLIAMSBURGH	Kings	Bklyn Queens Expy @ Kent Ave	N/A
6/5/2020	CROWN HEIGHTS	Kings	N/A	Cameras on stoplight; 986 Nostrand Ave. (outside Associated Supermarket)
6/5/2020	UPPER EAST SIDE	Manhattan	N/A	N/A
6/6/2020	GRAND ARMY PLAZA	Kings	N/A	N/A

6/8/2020	BARCLAYS CENTER	Kings	Flatbush Ave and 4 Ave; Flatbush Ave and Atlantic Ave; Atlantic Ave @ Fort Greene Pl	Ft Greene Pl @ Atlantic Ave (one outside target and one across from target) Flatbush Ave @ Atlantic Ave (One outside Victoria's Secret and one across from Victoria's Secret) Pacific St @ Flatbush Ave (One right out front of Barclay's main entrance)
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DCLM # 27450/2020

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June 26, 2020

Via Email & US Mail To:

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Re: *The City of New York's NYPD's Duty to Preserve Evidence Related to the Ongoing Demonstrations*

Dear Mayor de Blasio, Corporation Counsel Johnson, Ms. Miller, Ms. Goode-Trufant, Commissioner Shea, Deputy Commissioner Hart, and Deputy Commissioner Fraser:

I represent demonstrators who were arrested during the ongoing demonstrations following the murder of George Floyd on May 25, 2020. I write to remind the City of New York and its agencies, including but not limited to the New York City Police Department ("NYPD"), of their broad duty to systematically collect and preserve physical and electronic documents related to the demonstrations in anticipation of significant civil rights litigation.

Clearly, the City of New York and NYPD know that litigation - by many lawyers and many plaintiffs - related to these demonstrations is inevitable, given the violent attacks and many disputed arrests by members of the NYPD shown in the media, and the hundreds of civil suits related to the arrests following the Republican National Convention demonstrations in 2004, the Occupy Wall Street demonstrations in 2011, and prior instantiations of the Black Lives Matter demonstrations. But to avoid any possibly confusion going forward, this letter outlines certain documents that must be preserved (which are just exemplary, and not comprehensive), that will be sought in civil litigation related to the excessive force employed by, and false arrests made by, and wrongful charges lodged by, the NYPD since May 25, 2020.

Further, it must be noted that documents related to all uses of force, arrests, charges, and other police actions *vis a vis* the post-May 25, 2020 demonstrations is relevant in all cases because the claims that will be alleged include negligent training under state tort law and a policies, practices, customs, and usages that caused the violation of Constitutional rights pursuant to *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978) and its progeny. Thus, all the evidence outlined below will be relevant in all individual cases.

In addition, these documents may be requested through the Freedom of Information Law and should also be preserved in anticipation of those requests, as they are documents to which the public is entitled broad access.

Finally, this letter puts the City on notice of anticipated litigation, but in no way limits the City's obligation to preserve documents. To the extent there are relevant documents that do not fall within the categories enumerated below, they must still be preserved and the City has an affirmative obligation to both locate and preserve this material.

Definitions

The term "communication" used herein means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

The term "document" used herein is synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term. Consequently, our demand that you preserve evidence or materials thus extends to all

documents, electronically stored information or other tangible things in any form whatsoever, including, without limitation, writings, authorizations, inspections, notes, drafts, plans, drawings, charts, photographs, sound recordings, video recordings, images, emails, instant messages, voicemails, text messages, computer files, flash drives, hard drives, and other data or data compilations stored in any medium from which information can be obtained that are in the City of New York's or the NYPD's possession, custody, or control, or in the possession, custody, or control of others under its control or authority, including its agents, members, and servants. This includes any records of, and records concerning, email, phone calls, and text messages sent to or from all of their personal email addresses, cell phones, iPhones, blackberries, and other PDA devices, memo book entries or other notations concerning the incident.

The term "demonstration" used herein means any gathering, protest, vigil, march, or other demonstration-like manifestation or activity by any individual or groups of individuals, starting May 25, 2020 and going forward, related to the Black Lives Matter movement, the murders of George Floyd, Breonna Taylor, or the countless others killed or otherwise harmed by the police, violence, discriminatory policing, or other misconduct by the NYPD, or other issues relating to social justice, economic justice, political justice, racial justice, the criminal justice system, any other issues relating to justice, or any other similar expressions or associations, including but not limited to demonstrations in or near the areas identified on **Exhibit A**.

The term "protester" or "demonstrator" used herein means any person attending or in the vicinity of a demonstration or protest as defined above. The terms demonstration and protest, and demonstrator and protestor, are used interchangeably.

Document Categories

I. Audio and Video

Audio recordings and video footage related to the protests must be preserved. This includes but is not limited to: NYPD Argus cameras; Body Worn Cameras; dashboard or other cameras attached to police vehicles; surveillance footage collected from any source; recordings of all 311 and 911 calls; recordings of the NYPD police radio broadcasts, including Citywide-1, Citywide-2, the Special Operations Division, and all Radio Zones; and recordings of the New York City Fire Department EMS Dispatches.

II. NYPD Forms and Documentation

Forms and documentation generated by the NYPD must be preserved. This includes but is not limited to:

- a. All Activity Logs (PD112-145) and memo book entries for each and every NYPD officer present at or involved with the protests.
- b. All Disorder Control Unit Mobile Reserve Event Action Plans.
- c. All Patrol Borough Manhattan South (PBMS) Detail Requests.
- d. All Memoranda to the Chief of Patrol.
- e. All Mass Arrest Reports.
- f. All After Action Reports.

- g. All Command Log entries, Interrupted Patrol Logs, Operations Logs, and Roll Calls (PD406-144) documenting any arrests relating to the Protests, including but not limited to the arrest of protestors.
- h. All Telephone Dispatch Logs (PD112-143) related to the protests.
- i. All Case Development / Detective Case Assignment Logs (PD306-140) related to the protests.
- j. All arrest reports relating to the protests and the arrest of protestors, including but not limited to all On-Line Booking Arrest Worksheets (PD244-149), all Arrest Report Supplement(s) (PD244-157), and all Online Booking System Arrest Report Supplements (PD244-1516), as well as any drafts.
- k. All Civilian Complaint Reports (PD313-154), including any handwritten complaints and drafts, and all Civil Complaint Report Statistical Summary Sheets (PD313-154S), related to the protests.
- l. All Arrest Documentation Checklists (PD240-010) for any arrests related to the protests, including but not limited to the arrest of protestors.
- m. All Arrest Investigation Reports (PD244-1511) related to the protests, including but not limited to reports for protestors, including any drafts.
- n. All witness statements/affidavits regarding the Protests
- o. All statements, depositions, and Supporting Depositions (PD244-060) related to the protests.
- p. All Complaint Reports (PD313-152) related to the prosecution of protestors or otherwise related to the protests, including drafts.
- q. All handwritten and typed Complaint Report Worksheets (PD313-152A) and Supplements (PD313-152G and PD313-152H) related to the prosecution of protestors or otherwise related to the protests, including drafts.
- r. All Complaint Follow-Up Informational reports and Second Sheets (PD313-081A and PD313-081B) related to the protests, including drafts.
- s. Any Omniform Complaint Revision reports related to the protests, including drafts.
- t. All Investigation Cards (PD373-163) related to the protests, including but not limited to any cards for protestors.
- u. All Contact Cards issued or attempted to be issued (PD142-011) in relation to the protests.
- v. All Stop Reports (PD383-151) related to the protests, including but not limited to reports for Protestors, including drafts.
- w. All Unusual Occurrence Reports (PD370-152) related to the protests, including drafts.
- x. All Aided Reports (PD304-152) and Aided Report Worksheets (PD304-152B) related to the Protests, including drafts.
- y. All Emergency Service Reports (PD304-151) related to the protests, including drafts.
- z. All Threat, Resistance or Injury (T.R.I.) Incident Worksheets (PD370-154) related to the Protests, as well as any drafts.
- aa. All T.R.I. Incident - Investigating Supervisor's Assessment Reports (PD370-154A) related to the Protests.

- bb. All Commanding Officer's Monthly Recap of T.R.I. Incident Reports (PD370-154B) related to the protests.
- cc. All Line of Duty Injury Reports (PD429-154) related to the protests, including but not limited to any reports related to the Individual Officers, as well as any drafts.
- dd. All Accident Report - City Involved reports (PD301-155) relating to the protests.
- ee. All Witness Statement - Injury to Member of the Department forms (PD429-065) related to the Protests.
- ff. All SPRINT reports related to the protests.
- gg. All documents regarding any searches related to the protests, including Consent to Search Forms (PD541-030).
- hh. All General Message Forms (PD115-122) related to the protests, including drafts.
- ii. All Medical Treatment of Prisoner reports (PD244-150) related to the protests, including but not limited to reports for protestors, as well as any drafts.
- jj. All property vouchers, Property Clerk Invoices (PD521-141), and Property Clerk Invoice Worksheets (PD521-141A) related to the protests, including but not limited to invoices related to property taken from protestors.
- kk. All Property Log entries (PD521-147) related to the protests.
- ll. All Notice to Person From Whom Property Has Been Removed By The Police Department forms (PD521-124) related to the protests.
- mm. All Pre-Arrest Notification Forms (PD244-153) related to the protests, including but not limited to any forms for protestors.
- nn. All Prisoner Pedigree Cards (PD244- 092) related to the protests, including but not limited to any cards for protestors.
- oo. All Prisoner Transport Dispatch forms (PD171-132) related to the protests, including but not limited to any forms for protestors.
- pp. The Prisoner Holding Pen Roster (PD244-1410) entries related to the protests, including but not limited to entries for protestors.
- qq. All Certification of Charges Against Prisoner forms (PD244-062) related to the protests, including but not limited to any forms for protestors.
- rr. All Arrestment Cards related to the protests (MISC 4661), including any cards for protestors.
- ss. All District Attorney Data Sheets (MISC 4664) related to the protests.
- tt. All Non-Lethal Restraining Device/Rescue Equipment Reports (PD320-150) related to the protests.
- uu. All Taser/Stun Device Reports (PD304-150) related to the protests.
- vv. All Desk Appearance Tickets (PD260-121) related to the protests, including but not limited to any tickets for protestors.
- ww. All Desk Appearance Ticket Investigation reports (PD360-081) related to the Protests.
- xx. All DAT Arrest Packages (PD260-123) related to the protests, including but not limited to any packages for protestors.
- yy. All Desk Appearance Ticket Indexes (PD260-122) related to the protests.
- zz. All Desk Appearance Ticket Investigation reports (PD360-091) related to the protests.
- aaa. All Desk Appearance Ticket Reports (PD260-126) related to the protests.

- bbb. All Desk Appearance Ticket Transmittal to Borough Court Section reports (PD260-122A) related to the protests.
- ccc. All Desk Appearance Express Reports (PD260-180) related to the protests.
- ddd. All Field Reports (PD313-1511) related to the protests near public housing.
- eee. All Police Accident Reports (MV104AN) related to the protests.
- fff. All Lineup Reports (PD373-141) related to the protests, including but not limited to any lineups involving Protestors.
- ggg. All Expense Reports (PD102-061) related to protestors receiving food.
- hhh. All Bail Receipt forms (PD209-011) related to the protests, including but not limited to and forms for protestors.
- iii. All Request for Records and/or Information Regarding CCRB Case forms (PD149-164) related to the protests.
- jjj. All Request for Laboratory Examination Reports (PD521-168) related to the protests.
- kkk. All Police Laboratory Analysis Reports (PD521-151) related to the protests.
- lll. All Property Transfer Reports (PD521-1412) and Property Transfer Report Acceptance Documents (PD521-172) related to the protests.
- mmm. All Evidence Collection/Tracking Forms (MISC 4237) related to the protests.
- nnn. All Closed Circuit Television Protests Reports (PD313-1514) related to the protests near public housing.
- ooo. All Closed Circuit Television Video/Photo Receipts (PD313-170) related to the protests near public housing.
- ppp. All documents relating to any warrants connected to the protests, including warrant applications or affidavits, Search Warrant Plans (PD374-150 and PD374150A), and Warrant Investigation Reports (PD374-152).
- qqq. All documents regarding any confidential informants who had any role in, or communicated any information regarding, the protests, including any Confidential Informant Database inquiries (PD378-161), any Confidential Informant information or payments (PD378-083), a Subject Checklist (PD378-145), and a Confidential Informant Reactivation Requests (PD378-161).

III. Tactical Plans

All documents relating to the NYPD's tactical plans or strategies to police the protests and manage crowds must be preserved, including any documentation related to the plans themselves, communications attaching or relating to the plans, and any training provided to NYPD officers related to those plans, as well as documents concerning the discharge of pepper spray, mace, or other eye or skin irritants or other chemical substances, documents concerning the LRAD sound devices, and documents concerning the use of other weapons sometimes referred to as "less than lethal weapons."

IV. NYPD Intelligence Gathering / Tracking Information

All documents related to the NYPD's intelligence gathering efforts related to the protests must be preserved. This information includes electronically stored information ("ESI") copied,

seized, or otherwise obtained via any source from the electronic devices of any demonstrator or arrestee; documents related to intelligence sought or obtained concerning the demonstrators or the demonstrations; Global Positioning System ("GPS") data concerning the police units that responded to or were otherwise involved with the policing of the protests; Aerial surveillance documents and data, including video footage and thermal imaging taken from helicopters, airplanes, drones, or other aerial machines; and any other thermal imaging documents, footage, and / or other data stemming from the protest policing efforts.

V. Email

All email related to the protests must be preserved, including any emails to or from Mayor William DeBlasio, Commissioner Dermot Shea, First Deputy Commissioner Benjamin Tucker, Chief of Department Terence A. Monahan, and any other emails connected with any member of the service involved with the policing of the protests in any way.

VI. Civilian Complaint Review Board

All documents related to any complaint made to the Civilian Complaint Review Board regarding the protests or any NYPD officer who was present at or involved with the policing of the protests, as well as any documents relating to any investigation of those complaints, must be preserved.

VII. NYPD Disciplinary Records

All disciplinary records related to any member of the NYPD who was present at, or otherwise involved with the policing of, the protests must be preserved.

VIII. District Attorney Files

All files relating to the arrest or prosecution of any protestor must be preserved. This is the City's responsibility given that the five district attorneys' offices operate as City actors when performing administrative tasks, including collecting, preserving, and producing documents.

IX. NYPD iPhones or Other Electronic Devices

All data on the iPhones or other electronic devices issued to NYPD officers who were present at the protests must be preserved, including any data on the NYPD's custom iPhone application, as well as email, text messages, photographs, and video.

X. Coordination with Outside Agencies

All documents related to the NYPD's coordination with any other government agencies related to the protests or protestors, including but not limited to the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, the New York State Troopers, and the National Guard.

Preservation Obligations

You must immediately suspend any destruction policies, including but not limited to the deletion of any of the documents enumerated above.

Please also note that electronically stored information typically contains relevant discoverable information beyond what is apparent to the viewer, including, for example, embedded data and metadata. Therefore, it is necessary for the City to preserve all electronically stored information in its original electronic form, even where paper copies might exist. Moreover, electronically stored information can be easily modified, deleted, or corrupted, and the City of New York and the NYPD and other agencies are required to take all reasonable steps to ensure that all relevant, discoverable electronically stored information is preserved. Because modification, deletion, or corruption may result from automatic functions within the routine operation of an electronic information system, or from routine upgrades or recycling of computer-related hardware or software, this preservation requirement includes, but is not limited to, the obligation to suspend any such operations, upgrades, or recycling features or protocols (including any document or data destruction policies) pending resolution of any claims brought against the potential defendants in this matter.

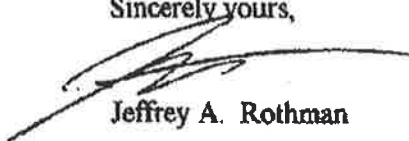
Should you object to this preservation request in any manner, you need to notify us immediately, so that, if necessary, we may seek judicial intervention to secure relevant material. "Once a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents." *Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 218 (S.D.N.Y. 2003). Failure to preserve this material may result in court-ordered sanctions.

Please note that in the event that there is privileged material which may be covered by this preservation demand, privileged materials must be identified, preserved, and listed on an appropriate privilege log maintained so that issues about privilege can be decided, if necessary, by a court.

Please confirm in writing that the City of New York and its agencies will be preserving the documents enumerated above as well as any other relevant material.

Thank you for your consideration in this matter.

Sincerely yours,



Jeffrey A. Rothman

EXHIBIT A

DATE	LOCATION	BOROUGH	LOCATION DETAILS
5/28/2020	UNION SQUARE	Manhattan	Area near SE corner of 15th street; in front of New School building on 5th Ave; 13th and 4th Ave; 14th and Broadway; 14th and 5th Ave; 17th and Park Ave; NW Union Square East and 14th Street; SW 14th Street and Union Square East
5/28/2020	TRIBECA	Manhattan	Area near 206 West Street; Chambers and West; West St and Chambers; West St and Albany St; C/O West and Albany St; Cedar and Broadway
5/28/2020	LOWER MANHATTAN	Manhattan	Area near intersection of Canal St. and Church St.
5/29/2020	BARCLAYS CENTER	Kings	Area near Atlantic; 5th Ave and Flatbush Ave; Dean and Flatbush; in front of Mr. Wish; 620 Atlantic Ave; Ashland Ave and Lafayette; Atlantic and Flatbush; Flatbush and Pacific St; Atlantic and Fort Green Place; Flatbush and Atlantic; Flatbush and Pacific; Flatbush and Pacific; Flatbush and Atlantic; 5th Ave and Flatbush Ave; Flatbush Ave and 5th Ave; 166 Flatbush Ave; opp 170 Flatbush Ave; Pacific and 4th; St Marks & 5th Ave
5/29/2020	FORT GREEN	Kings	Area near the intersection of DeKalb Avenue and Classon Avenue; are near Fort Green Park
5/29/2020	UNION SQUARE	Manhattan	Area near Union Square Park
5/29/2020	BROOKLYN MUSEUM	Kings	Area near the intersection of Eastern Pkwy & Washington Ave, the Brooklyn Museum, and the intersection of Washington and Eastern Parkway
5/29/2020	SIXTH AVE	Manhattan	Area near 6th Ave and 26th St; 35th St and 6th Ave, 37th St and 6th Ave; 35th and 6th Ave
5/29/2020	CENTRE STREET	Manhattan	Area near Centre & White St; Centre & Worth St; Centre & White St; 138 Centre Street
5/29/2020	CLINTON HILL	Kings	Area near intersection of DeKalb Avenue and Classon Avenue

5/30/2020	UNION SQUARE	Manhattan	13th and Broadway; 14th and 5th; 14th and Union Square; 5th and 14th St; 13th and Broadway; 14th and Union Sq East; 14th and 5th; 14th and 3rd; 14th and Broadway; 14th and Union Sq East; 14th and 5th; 16th and 5th; 14th and 5th; 14th and 3rd; opp 22 W 14th St; Union Square; 14th and 5th; W 14th and 5th; 241 E 14th St
5/30/2020	SEVENTH AVE	Manhattan	W 24th and 7th Ave; 27th and 7th; 41st and 7th; 42nd and 7th; 47th and 7th; 47th and 7th; 42nd and 7th; 37th and 7th; 26th and 7th; 47th and 6th Ave; 7th Ave between 44 and 45th St;
5/30/2020	FDR DRIVE	Manhattan	55 FDR and 104th St; SB FDR and 104th St; FDR and Gouverneur Slip E; FDR and E 104th St; FDR and 99th St; Gouverneur Slip E and South St; 9th and FDR; 104th and FDR
5/30/2020	MIDTOWN	Manhattan	41st and Broadway; 45th and Madison Ave; 45th and Broadway; 57th and 5th Ave; 5th Ave and West 58th Street; 45th and Broadway; 44th and Broadway; 727 5th Ave;
5/30/2020	BOWERY	Manhattan	1st St and Bowery; 302 Bowery; 7th St and Bowery; 95th and Bowery; Bowery and Canal; Bowery and E Houston St; 1st and Bowery; 106 Bowery; Hester and Bowery;
5/30/2020	BROOKLYN BRIDGE	Manhattan and Kings	Adams St and Bklyn Bridge; Adams St and Tillary St; Brooklyn Bridge; Tillary St and Brooklyn Bridge
5/30/2020	FIFTH AVE	Manhattan	Area near 125 5th Ave; and the intersection of 22nd Street and 5th Avenue.
5/30/2020	BARCLAYS	Kings	Area near the intersection of DeKalb Avenue and Flatbush Avenue.
5/30/2020	NOHO	Manhattan	Area near the intersection of 6th Street and Cooper Street
5/30/2020	UPPER WEST SIDE	Manhattan	Area near the intersection of 96th Street and the West Side Highway
5/30/2020	UPPER EAST SIDE	Manhattan	Area near the intersection of East 85th Street and Park Avenue
5/30/2020	THE MANHATTAN BRIDGE	Manhattan and Kings	Manhattan Bridge

5/30/2020	PROSPECT LEFFERTS GARDEN	Kings	Area near the intersection of Rogers Avenue and Lenox Road; area near the intersection of Bedford Avenue and Church Avenue; area near the intersection of Church Avenue and Nostrand Avenue; area near the intersection of Church Avenue and East 32nd Street; area near the intersection of Church Avenue and East 31st Street
5/31/2020	UNION SQUARE	Manhattan	Area near the intersection of 12th and Broadway, Manhattan;
5/31/2020	BARCLAYS CENTER	Kings	Area around Barclays Center; area near the intersection of Flatbush Avenue and Bergen Street
5/31/2020	LOWER MANHATTAN AND CHINATOWN	Manhattan	Area near the intersection of Lispenard Street and Church Street; area near the post office in Chinatown near the Manhattan Bridge
5/31/2020	THE MANHATTAN BRIDGE	Manhattan and Brooklyn	The area near the Manhattan Bridge including the area near the Brooklyn side exit.
5/31/2020	MIDTOWN	Manhattan	Area near the intersection of 41st Street and 6th Avenue; Bryant Park; area near the intersection of 41st Street and Madison Avenue
5/31/2020	KOREATOWN	Manhattan	Area near the Empire State Building and the intersection of 34th Street and 5th Avenue
5/31/2020	MIDTOWN EAST	Manhattan	Area near the 17th Precinct
5/31/2020	CLINTON HILL	Kings	Area near Fulton Avenue between Washington Avenue and St. James Place
5/31/2020	LOWER EAST SIDE	Manhattan	
5/31/2020	SOHO	Manhattan	
5/31/2020	WEST VILLAGE	Manhattan	Area near the intersection of 14th Street and 7th Avenue
6/1/2020	SOHO	Manhattan	Area near the intersection of Spring Street and Wooster Street
6/1/2020	BARCLAYS	Kings	Area near Barclays Center; area near the intersection of 4th Avenue and Atlantic Ave, and Flatbush Avenue near Barclays Center
6/1/2020	UNION SQUARE	Manhattan	Area near Union Square Park; area near the intersection of 16th Street and 6th Avenue
6/1/2020	UPPER WEST SIDE	Manhattan	Area near the intersection of 72nd and Broadway and the intersection of 72nd and Columbus Avenue

6/1/2020	LOWER MANHATTAN	Manhattan	Area near Broadway between Broome Street and Spring Street; area near the intersection of Lafayette and Spring Street; area near the intersection of Mercer Street and Broome Street
6/1/2020	ASTOR PLACE	Manhattan	
6/1/2020	MIDTOWN	Manhattan	Area near 56th Street between 3rd Avenue and 9th Avenue, and 57th Street between 3rd Avenue and 9th Avenue; area near 380 Madison Avenue; area near the intersection of 52nd Street and Broadway; area near the intersection of 54th Street and 8th Avenue; area near 57th street between 6th and 7th Avenues
6/1/2020	BATTERY PARK	Manhattan	West Side Highway near the entrance to the Battery Park tunnel
6/1/2020	KOREATOWN	Manhattan	Area near 112 W 34th Street by the Foot Locker; area near the intersection of 34th Street and 5th Avenue; area near the intersection of 29th Street and Broadway
6/1/2020	BRYANT PARK	Manhattan	Area near the intersetion of 40th Street and 7th Avenue; area near the intersection of 43rd Street and 8th Avenue; area near the intersection of 44th Street and 8th Avenue
6/1/2020	MURRAY HILL	Manhattan	Area near 571 3rd Avenue

DCLM # 27-156/2020



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Attorney-in-Chief

Justine M. Luongo
Attorney-in-Charge
Criminal Practice

July 6, 2020

RE: Non-Spoliation of Evidence

by express mail

Commissioner Dermot Shea
New York City Police Department
1 Police Plaza
New York, NY 10038

Ernest Hart
Deputy Commissioner for Legal Matters
New York City Police Department
1 Police Plaza
New York, NY 10038

Commissioner Cynthia Brann
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

Heidi Grossman
General Counsel
New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, NY 11370

Gregory Russ
Chair & CEO
NYCHA
90 Church Street
New York, NY 10007

Dear Commissioner Shea, Deputy Commissioner Hart, Commissioner Brann, Ms. Grossman,
and Mr. Russ:

The Legal Aid Society represents people who were arrested during the protests against

police brutality, beginning on or about May 25, 2020, and for violating the curfew imposed by Mayor De Blasio (EO No. 119) ("the curfew), in addition to violations of the New York State penal law and other local laws.

This letter is notice of your duty to preserve and save relevant evidence beginning May 25, 2020 ("the evidence"), including, but not limited to, documents, including video and audio recordings and other media, text and email messages, reports, case files, interviews, reports and recommendations made by or as a result of internal investigations or studies, physical evidence, including, but not limited to, scientific and forensic tests and reports, electronically stored or maintained information, and photographs in the possession of the City, and various agencies, including, but not limited to, the NYPD, the Department of Investigation, and the Department of Correction, and the New York City Housing Authority. *See, Fujitsu Ltd. v. Federal Express Corp.*, 247 F.3d 423, 436 (2d Cir. 2001) ("The obligation to preserve evidence arises when the party has notice that the evidence is relevant to litigation or when a party should have known that the evidence may be relevant to future litigation.")

You are required to preserve and save all visual and audio recordings, including, but not limited to, body-worn cameras, surveillance cameras on the streets, including, but not limited to, all ARGUS and VIPER cameras (both NYPD and NYCHA) and drone footage, at each location where you arrested or detained people who were protesting police brutality or the curfew.

You also are required to preserve and save all police and correction officer employee files beginning May 25, 2020, including, but not limited to, all work assignment and attendance logs.

This letter, moreover, will serve to provide notice of your *independent* obligation to appropriately preserve and retain any information that may be relevant to the arrests and detention of people during the protests against police brutality and the curfew. *See, Turner v. Hudson Transit Lines, Inc.*, 142 F.R.D. 68, 72 (S.D.N.Y. 1991) ("[A litigant] is under a duty to preserve what it knows, or reasonably should know, is relevant in the action, is reasonably calculated to lead to the discovery of admissible evidence, is reasonably likely to be requested during discovery and/or is the subject of a pending discovery request.") (Internal quotation marks omitted.)

Please ensure that this letter is provided to the person in your agency charged with the custody of evidentiary items concerning this matter. It is imperative that the City and NYCHA do not dispose of, alter, or modify evidence in any manner. Failure to preserve and save this evidence may be considered spoliation, which may be used against the defendants at trial and may result in a spoliation instruction.

Please confirm by July 15, 2020 that you have taken steps to preserve all evidence relevant to this matter.

Very truly yours,
/S/
Marlen S. Bodden
Staff Attorney
The Legal Aid Society
Criminal Defense Practice
Special Litigation Unit
Mobile: 646-531-8852
Email: mbodden@legal-aid.org